

EXHIBIT 1

August 13, 2024

The Honorable Glenn Youngkin
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

Susan Beals
Commissioner of the Virginia Department of
Elections
Washington Building
1100 Bank Street, First Floor
Richmond, VA 23219

Dear Governor Youngkin and Commissioner Beals,

We, the undersigned organizations dedicated to protecting voting rights and ensuring free and fair elections in Virginia, write to express concerns and request information regarding Executive Order 35, issued August 7, 2024, and titled “Comprehensive Election Security: Ensuring Legal Voters and Accurate Counting.” After careful review, we find several aspects of this order troubling and in need of further clarification and justification. Pursuant to the National Voter Registration Act, 52 U.S.C. § 20507(i)(1), we also request records related to this list maintenance activity as detailed below.

Oversight and Safeguards Against Disenfranchisement

Public transparency about Virginia’s execution of list maintenance and data sharing protocols is of the utmost importance to ensure that Virginia’s voters are not wrongfully purged from the voter rolls. We take seriously the potential for errors in database matching, the consequences for voters and the public at large of any erroneous removal of eligible voters from the voter registration rolls, and Virginia’s recent history of mistakes and errors with data sharing protocols in particular^{1,2}. In response to your recent announcement that thousands of individuals have been removed from the voter rolls as alleged noncitizens, we present several questions of deep concern for the preservation of the freedom to vote for all eligible Virginians:

- Please provide a full and complete list of the individuals who have been removed from the voter rolls since January 2022 on the basis that they are allegedly noncitizens, including their full names and addresses, and copies of any letters sent to these individuals, as well as any data or other information related to any responses you have received.
- What specific procedures and sources of information were used to identify these individuals?

¹ <https://www.washingtonpost.com/dc-md-va/2022/10/31/virginia-motor-voter-glitch/>

² <https://www.vpm.org/news/2023-12-18/virginia-elections-voter-purge-2023-inspector-general-report>

- What steps were taken to ensure that naturalized citizens were not erroneously included in this group due to outdated information in these sources of information?
- What opportunities were given for targeted individuals to contest their removal from the voter rolls?
- What safeguards are in place to prevent the disenfranchisement of eligible voters, particularly naturalized citizens and other vulnerable groups?
- How do your offices determine whether a voter was erroneously removed from the voter rolls as a result of these practices, and what process is provided to voters who have been erroneously removed such that they can properly re-register to vote and cast their ballot, or, if needed, cure their absentee ballot?
- What information or guidance are you providing to local jurisdictions as to the list maintenance processes you are using and that are available to local jurisdictions, in particular concerning the identification and removal of potential noncitizens?
- Are your offices using the SAVE (Systematic Alien Verification for Entitlements) program as part of your list maintenance procedures, and, if so, how were the removed individuals' immigration numbers obtained, and which individuals were removed or sent letters based on SAVE data or processes?
- If SAVE was used, please provide a copy of the Memorandum of Agreement signed with the Department of Homeland Security authorizing this use.
- Please provide copies of any other agreement your offices have entered into with any other entity regarding list maintenance procedures.

Ordered Awareness Campaign

Executive Order 35 orders the execution of an "awareness campaign" highlighting specific election laws and punishments for violations of said laws. We have concerns about how this campaign might be implemented and its potential impact:

- How will your offices ensure that this campaign does not have the effect of intimidating eligible voters or discouraging participation in the electoral process, in particular for New Virginians and voters of color?
- What oversight mechanisms will be implemented to prevent any partisan bias in the messaging and delivery of this campaign?
- What opportunities will be provided for community representatives, including from the immigrant advocacy and voting rights advocacy communities, to review or contribute to campaign materials?

- How will your offices ensure that this campaign will be accessible for all Virginians regardless of language or disability access needs?
- To what extent were Virginia's local registrars and boards of elections members consulted on the need for, execution of, or potential impact of this campaign?

Transparency and Consultation

- What mechanisms are or will be put in place to ensure full public transparency in the implementation of this Executive Order, including your plans for regular, public reporting on the Executive Order's effects and any issues that may arise?
- What data or other evidence supports the necessity of Executive Order 35, in particular its specific mention of the removal of alleged noncitizens?
- Which voting rights organizations, immigration advocates, and/or other relevant stakeholders were consulted in the development of this Executive Order? If none, why were their perspectives not sought?

We respectfully request your prompt and thorough response to these questions and request for related records. The integrity of our electoral system depends on the protection of every eligible Virginian's right and freedom to vote, and it is crucial that any measures taken in the name of election security do not prevent eligible voters from having their voices heard or in any way intimidate or dissuade voters from participating or otherwise sow distrust in our democratic processes. Our organizations stand ready to engage in constructive dialogue with your offices to ensure that Virginia's elections remain free, fair, and accessible to all eligible voters.

Sincerely,

ACLU of Virginia
 ACLU People Power Fairfax
 African Communities Together
 America's Voice
 CASA
 Centreville Immigration Forum
 Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
 DC Metro LCLAA Chapter
 Edu-Futuro
 Fair Elections Center
 Grey Nuns of the Sacred Heart
 Hamkae Center
 League of Women Voters of Virginia
 Progress Virginia
 National Advocacy Center of the Sisters of the Good Shepherd
 National Partnership for New Americans

NETWORK Lobby for Catholic Social Justice
NextGen America
Northern Virginia Labor Federation
REV UP Virginia
UndocuBlack Network
United Church of Christ
United Food and Commercial Workers Union Local 400
Virginia Civic Engagement Table
Virginia Coalition for Immigrant Rights
Virginia League of Conservation Voters - Education Fund
Virginia Organizing
Virginia State Conference NAACP
Witness at the Border

CC:

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